THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

W.P.No.16350 of 2005

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Dated 26th day of July, 2005

Between:

Smt. R.Krishnamma, w/o.Late Suryanarayana,

Aged 56 years, Occ: Business,

R/o. Near Jole Mill, VT Agraharam,

Vizianagaram. .. **Petitioner**

And

1. Govt. of A.P. rep.by its Secretary,

Industries & Commerce,

Secretariat Buildings, at Hyderabad.

and 3 others .. **Respondents**

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ORDER:

This writ petition is filed seeking a Mandamus declaring the proposed action of the respondents 3 and 4 herein pursuant to the impugned show cause notice

No.370/Q/2005, dated
31-05-2005, as arbitrary and illegal and consequently to direct the respondents to renew petitioner's quarry lease for road metal and building stone in respect of land to an extent of 1.00 hectare situated in Sy.No.394 of Jami Village and Mandal, Vizianagaram District, for a period of 10 years beyond
16-02-2005 i.e., upto 15-02-2015 to enable her to carry on quarry operations as usual.

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Industries and Commerce, appearing on behalf of the respondents.

The grievance of the petitioner is that on receipt of the proposal of the fourth respondent-Assistant Director of Mines & Geology, Vizianagaram, for rejection of the quarry lease held by the petitioner in respect of the said area on the ground that the lease area is located at a distance of 80 meters from M/s. Sobha Degree Junior College Building in North-East direction and another residential building of the Principal is also constructed within College premises, which is situated at a distance of about 75 meters towards north from the area applied by the applicant, the third respondent-Deputy Director of Mines and Geology (FAC), Visakhapatnam, issued a show cause notice No.370/Q/2005, dated 31-05-2005, which is impugned in this writ petition, to the petitioner directing her to explain as to why the said proposed action of the fourth respondent should not be taken, within seven days from the date of receipt of the said notice. On receipt of the said notice, the petitioner has submitted her explanation dated 25-06-2005 to the third respondent requesting him to consider her case sympathetically by rejecting the proposal of the fourth respondent and nod to renew her stone quarry lease for further period of 10 years.
In spite of submitting her detailed explanation, the third respondent has not passed any orders so far for renewal of her quarry lease.

On the explanation, dated 25-06.2005 submitted by the petitioner, the third respondent has yet to pass appropriate orders. Even before passing of any orders by the third respondent, the petitioner abruptly approached this Court by way of invoking the jurisdiction of this Court under Article 226 of Constitution of India. Therefore, on this ground alone I am unable to entertain this writ petition. However, having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition directing the third respondent to pass appropriate orders in accordance with law taking into account the explanation dated 25-06-2005

submitted by the petitioner, within eight weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of at the stage of admission. No order as to costs.

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ELIPE DHARMA RAO, J

Date: 26th July, 2005

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